

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

GEORGE DULIN

PLAINTIFF

V.

CIVIL ACTION NO.: 4:07CV194-SA-DAS

**BOARD OF COMMISSIONERS OF THE
GREENWOOD LEFLORE HOSPITAL
and ROBERT MOORE**

DEFENDANTS

**ORDER GRANTING PLAINTIFF ADDITIONAL
TIME TO RESPOND TO MOTION FOR SANCTIONS**

Presently before Court is Defendant Robert Moore's Renewed Motion for Sanctions against Plaintiff. Plaintiff's position is that because this case is appealed to the Fifth Circuit, this Court lacks jurisdiction. However, the Fifth Circuit has consistently held that "[i]t is the general rule that a district court is divested of jurisdiction upon the filing of a notice of appeal with respect to any matters involved in the appeal." Alice L. v. Dusek, 492 F.3d 563, 564 (5th Cir. 2007); see also Griggs v. Provident Consumer Discount Co., 459 U.S. 56, 58, 103 S. Ct. 400, 74 L. Ed. 2d 255 (1982) ("The filing of a notice of appeal is an event of jurisdictional significance—it confers jurisdiction on the court of appeals and divests the court of its control *over those aspects of the case involved in the appeal.*")(emphasis added).

Here, Plaintiff failed to perfect an appeal against Robert Moore on this Court's decision to dismiss claims against him. Thus, this Court retains jurisdiction over Defendant Moore's request for sanctions against Plaintiff as this request is not a matter involved in the appeal.

In his response, Plaintiff requests that in the event the Court reaches the merits of this motion, he be given fourteen additional days from the date he receives the trial transcript to brief the

Court. The Court will allow Plaintiff fourteen days from entry of this Order to further brief this issue.

SO ORDERED this the 17th day of June, 2010.

s/ Sharion Aycock
U.S. DISTRICT JUDGE